

*David L. Haberman*

ON TRIAL: THE LOVE  
OF THE SIXTEEN  
THOUSAND GOPEES

Modern colonialism won its great victories not so much through its military and technological prowess as through its ability to create secular hierarchies incompatible with the traditional order. [ASHIS NANDY, *The Intimate Enemy*]

On the morning of January 25, 1862, a small band of defenders of the law assembled before an excited crowd gathered at the monumental Supreme Court building located on Apollo Street in downtown Bombay. British soldiers from the Mounted Police were present to enforce the peace. The trial that was about to commence was deemed by *The Indian Reformer* "the most extraordinary of any case tried in any of Her Majesty's Courts in India."<sup>1</sup> This trial, a great public spectacle lasting three full months, became known as the Maharaj Libel Case. Close examination of this case promises much, for during its course Hinduism itself was put on trial. A close look at this trial can tell us something of the specific way the British Raj effected change within Hindu traditions and can give us a glimpse of the role Orientalists played in the nineteenth-century transformations of Hindu culture, particularly regarding that branch of Hinduism known as the Hindu "Reform" Movement.<sup>2</sup> Moreover, since nineteenth-century Western constructions of Hinduism are

<sup>1</sup> June 6, 1862; reprinted in the Appendix of Karsandas Mulji, *History of the Sect of Maharajas, or Vallabhacharyas, in Western India* (London: Trübner, 1865), App. 163.

<sup>2</sup> I employ this term in a rather general way throughout this article to refer to those scholars who studied Indian culture with a commitment to search for the essential and who were guided by a certain historical perspective that equated the authentic with the ancient.

in many ways still very much with us, this will be a valuable exercise in scholarly self-reflection. The metaphor of later scholars' standing on the shoulders of previous generations for better vision is well-known, but in some cases it may be more important to step down and carefully examine the cultural "sieve" constructed and used by previous scholars, with the hopes that we might better be able to see what has been denied by them. It may turn out that there is much that is vital and interesting in the shadows of their denial.

On October 21, 1860, a young reformer of Bombay by the name of Karsandas Mulji published an editorial article in his Gujarati newspaper, the *Satya Prakash*, entitled "The Primitive Religion of the Hindus and the Present Heterodox Opinions."<sup>3</sup> It was this publication that set the events of the trial in motion. Mulji argued in his editorial that the sect of Hinduism known as the Vallabhacharya Sampradaya, or Pushti Marga, a sect that has roots in the interpretive activity of the sixteenth-century saint Vallabhacharya and is devoted to the god Krishna, was a "new" and therefore "false religion." He based this judgment on his belief in an original and singular form of Hinduism rooted in the "genuine books of the *Veds*." "The course of religion and of morals," he insisted, "must be one only." He claimed that the Vallabhacharyas deviate from the "straight road" leading from the *Veds* and therefore pronounced them "heretical." His statements directly challenged the validity of the Vallabhacharya Sampradaya but were meant as a particular challenge to its current figures of authority, the Maharajas. Mulji did not stop his attack on the Maharajas here; his article further accused them of being disgustingly immoral and "lost in a sea of licentiousness." Specifically, he accused the Maharajas of sexually enjoying the "tender maidens, wives and daughters" of their male devotees. "Alas!" he writes, "in writing this, our pen will not move on." But it did—he went on to mention one Maharaj in particular by name: Jadunathji Maharaj.

Jadunathji Maharaj was a direct descendant of the sixteenth-century saint Vallabhacharya and as such was a figure of traditional religious authority for a large number of Hindus living in the Bombay area, predominantly from the wealthy Bania and Bhatia merchant castes. On May 14, 1861, Jadunathji Maharaj filed a plaint in the Supreme Court of Bombay, claiming that Mulji's article was libelous and asking damages amounting to fifty thousand rupees. This is an important fact to remember as the trial proceeds and the judgmental weight of the court

<sup>3</sup> The official translation of this article produced for the trial appears in the court records (pp. 1–4) first published in 1862 by the Bombay Gazette Press under the title *Maharaj Libel Case*. The records were reprinted under the same title in 1911 by D. Lukhmidass & Co. of Bombay. All page numbers refer to this latter edition.

bears down on the Maharaj and the religious tradition he represents. Why a Maharaj, a figure of the highest authority in his tradition, appealed to the authority of the Supreme Court of Bombay remains a mystery. He was the first such figure ever to have done so.<sup>4</sup>

A British court at Bombay was first inaugurated on August 8, 1672, by Bombay's governor, General Aungier, with the following statement: "The Inhabitants of this island consist of several nations and Religions to wit, English, Portugess and other Christians, Moores and Jentues, but you, when you sit in this seat of Justice and Judgment, must looke upon them with one single eye as I doe, without distinction of Nation or Religion, for they are all His Majesties and the Honble."<sup>5</sup> These words of General Aungier were repeatedly celebrated throughout the long history of the court of Bombay. The lack of any sense that the detached "eye" of judgment sitting on the bench is located within a particular cultural perspective that might determine notions of justice is significant. The assumption is that law is one, natural, and available to all reasonable people; this assumption carried the court through the developments of the nineteenth century.

The Supreme Court of Bombay was established in 1824 under a charter granted by George IV. Its jurisdiction was confined to the town and island of Bombay, and it consisted of a chief justice and two judges, being barristers of England for not less than five years. In disputes between landlords and tenants, the judges, trained in English jurisprudence and borrowing their ideas from the feudal laws of England, sided with the landlords in nine cases out of ten.<sup>6</sup> It is clear, from the plaint he filed in court, that Jadunathji Maharaj viewed Mulji's article as an attack on his authority. Since the Supreme Court of Bombay had been siding with established authority in land disputes, perhaps the Maharaj expected it would do the same for him. He was wrong. The Maharaj seems to have misunderstood what the British court represented in India. The later words of a judge looking back on the trial lend plausibility to the idea that the Maharaj took his case to the court with the expectation that it would uphold his authority, stating that the Hindu orthodoxy of Bombay thought the Maharaj would win "because the Chief Justice was known to be a strict Catholic."<sup>7</sup>

<sup>4</sup> Christine Dobbin remarks: "That the orthodox were forced to resort to the British Courts to uphold the authority and discipline of their sect was regarded as highly significant for the cause of reform." *Urban Leadership in Western India: Politics and Communities in Bombay City 1840-1885* (London: Oxford University Press, 1972), p. 68.

<sup>5</sup> Anonymous, *High Court at Bombay, 1862-1962* (Bombay: Government Central Press, 1962), p. ii.

<sup>6</sup> See the article by Justice Chandavarkar that appeared in the *Times of India*, August 8, 1912; reprinted in *High Court at Bombay*, pp. 1-7.

<sup>7</sup> *High Court at Bombay*, p. 4.

In 1861, British Parliament enacted the Indian High Courts Act, which abolished the Supreme Courts and established a High Court in each of the three presidencies of Bengal, Madras, and Bombay. The Maharaj Libel Case was tried during the early months of 1862, and though the act was not enforced until shortly after the trial was over, power was in the process of being extended and concentrated in the Supreme Courts of the three presidencies. Sir Matthew Richard Sausse, the chief justice who heard the Maharaj Libel Case, became the first chief justice of the High Court of Bombay. This trial was therefore a showcase for the developing new power of the court.

The Maharaj Libel Case must be understood within the context of historical developments of the nineteenth century; it took place just three and one-half years after the "Mutiny," or First War of Independence. English traders had established the East India Company in the seventeenth century primarily to make money. After the battle of Plassey in 1757, however, the East India Company under the governorship of Robert Clive and the first governor-general Warren Hastings (the state took control of the company with the Regulating Act of 1773) found itself ruling the political affairs of Bengal more and more. British hegemony was firmly established in India during the years immediately after the defeat of Napoleon in 1815. Colonialism proper began in India only with the rise of power of the middle class in Britain in the 1820s. After the Napoleonic Wars, commercial interests in Britain grew strong enough to break the company's trade monopoly and supported with increasing conviction the notion that political control of India was necessary for exploitation of the great wealth that India was perceived to contain. The events of those years "transformed the Company's dominion in India to the dominion of India."<sup>8</sup> Thus began the great debates of the nineteenth century to justify British rule of India.

Before 1828, cultural policy in India was guided by Governor-General Warren Hastings, Marquess Wellesley, and Marquess Hastings and was informed by Orientalists such as William Jones, Henry Colebrooke, and Horace H. Wilson, who were firmly committed to the notion that deep in the past India had experienced a glorious golden age. I will demonstrate shortly, however, that this notion carried with it a critique of present Hindu culture. The Orientalists located this glorious past in Vedic times and constructed a picture of the culture of those times that remains widely accepted today. The historian David Kopf praises the effect of the work of Orientalists on those Indians with whom they came in contact: "The Orientalists imparted to him their evocation of an Indian golden age. . . . On the one hand, the intelligentsia regarded themselves

<sup>8</sup> Percival Spear, *A History of India*, vol. 2 (Middlesex: Penguin, 1970), p. 129.

as the products of an exhausted culture and on the other hand, as representatives of a culture organically disrupted by historical circumstances but capable of revitalization.<sup>9</sup> Elsewhere Kopf writes: "Though the fruits of Orientalism were enjoyed at first by European academics, Orientalism's most profound impact was on Indians themselves. Orientalists provided Hindus with a systematic view of their own pre-Muslim past organized with chronological precision for the first time."<sup>10</sup> While I agree with Kopf that Orientalism has had a profound and lasting influence on Hindu culture, I do not wholly share his progressive view of this influence. The view taken in this article is that British colonialism, and particularly that branch of western scholarship that privileges a certain sense of history and is referred to as Orientalism, did much to undermine precolonial worlds of meaning within Hindu culture. I agree more with the sentiment expressed by Ashis Nandy in my epigraph and with Ronald Inden, who argues that Orientalism "denies to the Indians the power to represent themselves and appropriate that power for itself."<sup>11</sup> Though a different ideology was soon to determine cultural policy in British India, the Hindu reformers continued to ally themselves with the works of Orientalists who envisioned a truly splendid form of Hinduism situated in a distant past. Whereas other British policymakers rejected Hindu culture outright, the Orientalists at least offered the reformers the relatively psychologically satisfying perspective of a historically qualified acceptance and appreciation of their culture. It was the views of the Orientalists that served as an authoritative basis for the political and theological condemnation of existing forms of Hindu culture and authority in the Maharaj Libel Case.

The radicals, who believed passionately in the superiority of the western world and in its indefinite progress by means of the principles of reason, and the evangelicals, who saw India as a land to be saved, began increasingly to determine colonial cultural policy and shifting attitudes toward Hinduism after 1828. The ideas of the Evangelical party can perhaps best be glimpsed in the words spoken before the British Parliament by William Wilberforce: "The Hindu divinities were absolute monsters of lust, injustice, wickedness and cruelty. In short, their religious system is one grand abomination."<sup>12</sup> The British

<sup>9</sup> David Kopf, *British Orientalism and the Bengal Renaissance* (Berkeley: University of California Press, 1969), p. 8.

<sup>10</sup> David Kopf, "The Wonder That Was Orientalism: In Defense of H. H. Wilson's Defense of Hinduism," in *Bengal Vaishnavism, Orientalism, Society, and the Arts*, ed. Joseph T. O'Connell (East Lansing: Asian Studies Center, Michigan State University, 1985), p. 75.

<sup>11</sup> Ronald Inden, "Orientalist Constructions of India," *Modern Asian Studies* 20 (1986): 401-46, quote on p. 440.

<sup>12</sup> Great Britain, *Hansard's Parliamentary Debates* XXVI (June 22, 1813), 164. Cited by Kopf, *British Orientalism*, p. 142.

middle class thus began to ascribe cultural meaning to political domination and to develop a discourse of "reform" for India.

Lord William Bentinck, governor-general of India from 1828 to 1835, was made responsible for implementing the new policy. Bentinck was the first governor-general to challenge the Orientalist cultural policy implemented by Warren Hastings and William Jones. Under Bentinck, Britain began to offer the benefits of its civilization to India. This policy was frequently administered in a well-meaning manner; the British thought that they had a great moral duty to perform in India. Even the critics of the British subjugation of India were convinced that colonialism was necessary for the advancement of that society. Karl Marx, for example, though sympathetic with the suffering and the loss of "old worlds" and "ancient traditions," finally argued that British rule was the "unconscious tool" for bringing about the end of "Oriental despotism" in India that "restrained the human mind within the smallest possible compass, making it the unresisting tool of superstition, enslaving it beneath traditional rules, depriving it of all grandeur and historical energies."<sup>13</sup> Bentinck himself had little sympathy with Indian cultural institutions and was dedicated to the spread of a superior Western culture. Two areas in particular were heavily determined by Bentinck's policy: education and the law. The East India Company had followed the traditional pattern of governmental patronage of Indian education; Bentinck launched a program of English education in India, a decision unique in colonial Asia at that time. In 1835 the government began to establish schools for imparting Western ideas and values in the English language. Also during this time, English became the official language of the courts, and English law and legal procedures were introduced into the courts.

By 1850 Indian society showed signs of strain. Dalhaousie, governor-general from 1848 to 1856, continued a policy of British expansion, justified by a strong sense of cultural superiority. Tensions eventually erupted into violence with the "Mutiny" of 1857. Though the motives that fueled the Mutiny were complex, it is significant that the British perceived the forces of religion to be its primary cause. Cartridges smeared with cow and pig fat for the new Enfield rifles were polluting for both Hindus and Muslims. The Mutiny was fiercely suppressed in 1858, but the British remained shaken; religion was now seen as a dangerous force lurking beneath the fragile surface of the empire. After the Mutiny, the British assumed a new caution in implementing their westernizing policy. Although religious forces in India were now seen as a major threat to the British Raj, they could not be

<sup>13</sup> Karl Marx, "The British Rule in India," *New York Daily Tribune*, June 25, 1853.

attacked directly. Colonial policy, however, continued to be deeply committed to undermining established authority. The Maharaj Libel Case was an opportunity to implement that policy in a backhanded way, for the Maharaj himself had brought the case to the court.

Karsandas Mulji was born in Bombay on July 25, 1832, and grew up under the educational policy established by Bentinck.<sup>14</sup> Mulji was a Kapol Bania by caste, the oldest and most prominent of the merchant castes of Bombay, and belonged by birth to the Vallabhacharya Sampradaya. He entered an English school in Bombay when he was sixteen, and at age twenty-one he began studying at the famous Elphinstone Institution, which was organized in 1834 as the first important English school to be founded in India. Mulji spent six years at the Elphinstone Institution, probably the greatest source for the flow of Western ideas into the society of western India during the nineteenth century. The educational policy of the institution was set for the 1850s under the leadership of President Erskine Perry, who desired to introduce Western learning in a manner that would bring about a moral and cultural transformation of Indian society. "Its aim was to create a class which would diffuse knowledge widely among the people, and thus raise India to her rightful position beside the nations of the West."<sup>15</sup> Although the literature, political ideals, and history of Europe dominated education at Elphinstone, the prevailing emphasis was on criticism of Indian life and society.<sup>16</sup> Mulji was exposed to views in the Elphinstone Institution that were to foster in him a burning sense of the need for social and religious reform. English education, Ashis Nandy reminds us, was one of those forces of British colonialism that colonized minds in addition to bodies, released forces that were incompatible with traditional order, and altered the recipient's cultural perspective once and for all.<sup>17</sup> Mulji soon became one of the more respected members of the Bombay reformers; in fact, Christine Dobbin contends that he was the leading Gujarati reformer in the city of Bombay in the fifties. His editorial denouncing the sect of Vallabhacharya and the behavior of Jadunathji Maharaj was an exemplary expression of his new views.

After a failed attempt by the defendant for the dismissal on the grounds that since this was a religious dispute the court had no legitimate authority over it and after a related conspiracy trial in which sev-

<sup>14</sup> B. N. Motiwala, *Karsandas Mulji: A Biographical Study* (Bombay: Parbhudas Ladhabhai Mody, Secretary, Karsandas Mulji Centenary Celebration Committee, 1935).

<sup>15</sup> Dobbin, p. 28.

<sup>16</sup> Ibid., p. 53.

<sup>17</sup> Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (Delhi: Oxford University Press, 1983).

eral of the Maharaj's supporters were found guilty of trying to influence witnesses, the trial got under way. The case was tried by Chief Justice Matthew Sausse and Judge Joseph Arnould. Karsandas Mulji was defended by the "able" Mr. Anstey; the Maharaj was represented by the "learned" Mr. Bayley.

In the plaint filed by Jadunathji's attorney, the Maharaj insisted that he was not "guilty of holding heterodox opinions in matters connected with his said religion," nor was he "guilty of offenses and improper conduct."<sup>18</sup> Moreover, he maintained that he was a legitimate religious authority, a valid guru, within his tradition. During the first day of the trial the Maharaj's barrister, Mr. Bayley, stated: "Now your Lordships will see the article [i.e., Mulji's editorial] divides itself into two parts. The first is to a certain extent historical; in the second, the writer singles out the plaintiff, and in the company with other Maharajas charges them with the most filthy and obscene conduct."<sup>19</sup> The Maharaj was forced to defend his claim as a legitimate authority on both historical and moral grounds, the two issues that were to determine the structure of the debates of the trial. I will therefore examine the treatment of the institution of the guru and then proceed through the trial focusing particular attention on the two related issues of historical and moral legitimacy.

From the court records alone, it is impossible to tell with any certainty whether the Maharaj was involved in some kind of sexual activity with his female devotees; all that we know is that he denied the accusation in the courtroom. We must conclude from this either that he simply was not involved in such activity or that for some reason he chose not to tell the truth. Perhaps he understood the terms of the moral discourse in the courtroom and understood that it would be impossible to justify his actions within the limits set by the British and reinforced by reformers. Note in the very words of his own lawyer—"the most filthy and obscene conduct"—that the Maharaj was already defeated in the battle of representation before he began if he was involved in any kind of ritual sexual activity with his female devotees. How could anyone hope to communicate a rationale for behavior so represented in a court of law? Nandy writes:

Obviously, a colonial system perpetuates itself by inducing the colonized, through socio-economic and psychological rewards and punishments, to accept new social norms and cognitive categories. But these outer incentives and disincentives are invariably noticed and challenged; they become the overt indicators of oppression and dominance. More dangerous and permanent are the inner rewards and punishments, the secondary psychological gains and losses from

<sup>18</sup> *Maharaj Libel Case*, p. 7.

<sup>19</sup> *Ibid.*, p. 122.

suffering and submission under colonialism. They are almost always unconscious and almost always ignored. Particularly strong is the inner resistance to recognizing the ultimate violence which colonialism does to its victims, namely that it creates a culture in which the ruled are constantly tempted to fight their rulers within the psychological limits set by the latter.<sup>20</sup>

Nandy's last line is particularly pertinent and particularly poignant. It is surprising how little the Maharaj was allowed to speak throughout the trial, and when he did, he rarely attempted to defend his tradition. He seems to have been silenced by the moral assumptions of the court; the battle was fought on grounds established by the reformers.

The trial proper began with the case for the plaintiff. Mr. Bayley called seven witnesses to testify that Jadunathji Maharaj was a legitimate authority for his tradition. A different basis for moral judgment was uncovered, only to be dismissed. One witness remarked: "I cannot say if it is the duty of female devotees to love the Maharajs and to be connected in adultery and lust with them. If such doctrine or passage was shown me in any of the books I call Shastras, I would take it as good and true."<sup>21</sup> Here we see a different moral standard than that of the reformers. This standard, however, had little chance of competing with the morality of the reformers, which was accepted by the court as natural morality.

The institution of the guru was questioned extensively in the cross-examination by the defense. The guru is a complex institution in Hindu traditions, involving notions of ontological hierarchy. The deity is, of course, the highest of all beings, though a guru is frequently considered to be a means of direct access to the deity. In many traditional understandings the guru is a hierarchically superior being whose presence is considered extremely beneficial. Through various transactions with such beings, one can further refine one's own state and thereby move up the hierarchical scale of being. Exchanges with a superior being typically involve food. Food gifts are given, transformed through contact with the superior being, and then returned as *prasad*, a highly favorable and grace-bestowing remnant. The guru, or more precisely the Maharaj, is additionally important in the sect of the Vallabhacharyas, since being a direct descendant of Vallabhacharya, he is the only one who can perform the requisite initiation rite. A significant part of Vallabhacharya's revelatory vision was that impurities could be removed and one could move freely in the world of samsara by offering every act, thought, and possession to Krishna before enjoying it.<sup>22</sup> At the

<sup>20</sup> Nandy, p. 3.

<sup>21</sup> *Maharaj Libel Case*, p. 128.

<sup>22</sup> The occasion and content of this revelation was recorded by Vallabhacharya in one of his "Sixteen Books" (*Sodashagrantha*) entitled the *Siddhantarahasya*.

time of initiation, a Maharaj ties a necklace of *tulasi* around the neck of the candidate and has the initiate "repeat a formula by which he dedicates his mind, body, wealth (*mana*, *tana* and *dhana*), wife, household, senses, and everything else to Shri Krishna."<sup>23</sup> The interpretation of this initiation was at the heart of the trial.

The inquiry focused on the distinction between God and guru. The inability of the court to begin to understand the subtleties of the doctrines associated with the guru would be funny if the consequences had not been so serious. The following is an example drawn from the court records:

Mr. Anstey—Do some Banias believe the Maharaj to be a God?

Witness—We consider him to be our gooroo.

Sir M. Sausse—Tell witness if does not answer the question, he will be sent to jail.

Witness—What is the precise question? (Interpreter explains) Some consider the Maharaj a god in the shape of gooroo.

Mr. Anstey—Is Gooroo a God?

Witness—Gooroo is gooroo.

Sir M. Sausse—Tell him if he does not answer the question, most indubitably will he go to jail.

Sir Joseph Arnould—Tell him he is asked what others believe, not as to his own belief.

Witness—I don't know if others believe him as God; I consider him as simply a gooroo.

(The witness is fined fifty rupees for not giving a direct answer.)<sup>24</sup>

Moments before, this witness had stated that he believed "the Maharaj is a representative of Krishna." The previous day, another witness had reported: "When I say 'worship the Maharaj,' I don't mean to say it is the same thing to worship the Maharaj just as he worships the image: there is a slight difference between the two. The image is bathed and dressed, and food is presented to it; but the same is not done to the Maharaj. The Maharaj eats of the food presented to the image, and also distributes it among the Vyshnavas."<sup>25</sup> The hierarchy of *prasad* referred to at the end of this passage is significant. Here the guru, who receives *prasad* from the deity, is clearly understood to be subordinate to the deity. The defense, however, wanted to blur this distinction, since it maintained the dedication of the mind, body, wealth, and especially wife were made to the guru directly, instead of through the guru to Krishna.<sup>26</sup> The potential

<sup>23</sup> Richard Barz, *The Bhakti Sect of Vallabhacharya* (Faridabad, Haryana: Thomson, 1976), p. 20.

<sup>24</sup> *Maharaj Libel Case*, pp. 134–35.

<sup>25</sup> *Ibid.*, p. 131.

<sup>26</sup> Later Vallabhacharya writers looking back on this trial maintained that the confusion was the key to the defense's misrepresentation of their tradition. The defense used

power of existing figures of religious authority in Indian culture was highly problematic for the British. Colonial policy was deeply committed to the erosion of precolonial authority. The Mutiny had taught the British that religion could not be attacked directly; here was a perfect opportunity to implement this policy in a backhanded way, for the Maharaj himself had brought the case to court. The institution of the guru also violated the reformer's expressed belief in the authority of the individual in religious matters.

The defense proper began with the historical assertion: "The sect of the Vallabhacharyas is a contemptible sect of 400 years old, and is not an ancient ruling sect."<sup>27</sup> It was, therefore, declared to be invalid. This is perhaps the most important dimension of the trial, certainly the one in which the effects of the Orientalists can be seen more clearly. Here we begin to see the political implications of the Orientalist's view of history and privileging of the original. We also begin to see clearly that this trial concerns the judgment of far more than the behavior of an individual.

As mentioned above, the Orientalists were deeply committed to a belief in a glorious classical past. However degenerate and corrupt Hindus may now appear, in some earlier age they were splendid. Orientalists discovered within India a wonderful golden age, which they located in Vedic times, and as mentioned before, they created a representation of that culture that survives today. The Orientalists supported their claim to authority with a privileged reading of the correct *books*. "Modern Hindus," Henry Colebrooke argued, "seem to misunderstand their numerous texts."<sup>28</sup> The Orientalists' portrayal of Vedic culture depicted a people whose behavior was strikingly different from modern Hindus; the reconstruction of a golden past clearly carried with it a critique of the present. The Orientalist Max Müller, for example, expressed a great love for India yet would not allow his students to visit the present India.

---

one of Vallabha's own texts, the *Siddhantarahasya*, to ground its charge that the dedication was to be made to the guru. This text, accompanied by eleven commentaries, was later published by a group of Vallabhacharyas in an attempt to counteract the effects of the trial. In the Introduction, the chief editor writes: "In the notorious Maharaj Libel case, this work with its commentary by Gokulanathji was cited by the defendant to show that the religious tenets preached by Vallabhacharya and his grandson sanctioned immoral practices. This is the most perverted use made of the noblest works. At this distance of time it is difficult for us to see such a monstrous suggestion could have been made. . . . The dedication is to Lord Krishna, and not to Acharya as will be presently shown. It is monstrous to substitute the word Acharya in place of Krishna and then charge Vallabhacharya that he preached immorality" (M. T. Telivala, ed., *Siddhantarahasya* [Bombay: Vaishnava, 1924]).

<sup>27</sup> *Maharaj Libel Case*, p. 147.

<sup>28</sup> H. T. Colebrooke, "On the Religious Ceremonies of the Hindus," *Miscellaneous Essays*, p. 196. Cited by Kopf, *British Orientalism*, p. 41.

The real India, he insisted, was to be found in ancient texts. The message was fairly clear: You Hindus were once great. You had a magnificent civilization, but that was in the past. You are now corrupt, lost, far from your golden past. Indeed, you have completely forgotten that past. We are here to help you, to tell you about your past. We are here to guide you on a return to that golden past. Without us you cannot be saved. You are not capable of representing yourself, for in your present state you are blind. You need our scientific methods and knowledge to tell you who you really are. You should accordingly put your trust in our interpretations of your tradition, not in the interpretations of the present religious authorities.

On the seventh day of the trial Karsandas Mulji took the stand. His testimony lasted three full days. He presented himself as a learned authority capable of interpreting the scriptures of the Vallabhacharyas for the court. The Maharaj's attorney objected but was overruled; Mulji had been educated at Elphinstone after all. Mulji began his attack by asserting that the Maharajas "are not the preceptors of the ancient Hindu religion to any body." "The ancient religion," Mulji insisted, "is one of self-denial, mortification, and penance."<sup>29</sup> The Orientalists' "ancient" is clearly evident in his words. Mulji then proceeded to present thirty-three translations of Vaishnava texts for the court to examine. The issue in these texts identified as most problematic was the "adulterine doctrines of the sect."

A text written by Jadunathji Maharaj was examined in this process. Passages quoted from his text referred to the cowherd women's—the gopees—"adulterine love with Krishna" and the outrageous fact that "Shri Krishna married sixteen thousand princesses." It would be helpful to know which Gujarati or Sanskrit word was being translated as "adulterine love." My guess is that it was most likely *sringara* or *madhurya*, which means "an intense amorous love," or perhaps *parakanya*, which is a particular kind of *madhurya* love experienced between a man and a woman married to someone else. The love of the sixteen thousand gopees was of this latter type. After analyzing all types of human emotions, this type of love was declared by the Vaishnava theologians to be the most intense kind of love possible for a human being and therefore to be the most appropriate type of love to be cultivated toward Krishna.<sup>30</sup>

<sup>29</sup> *Maharaj Libel Case*, pp. 190–91. Ashis Nandy points out that the British ruling classes, who "were expected to affirm their masculinity through sexual distance, abstinence and self-control," were greatly attracted to the self-denying asceticism of Hindu tradition (Nandy, p. 10). See also Kenneth Ballhatchet, *Race, Sex and Class under the Raj* (New York: St. Martin's, 1980).

<sup>30</sup> The *Bhaktirasamrtasindhu* of the sixteenth-century Vaisnava theologian Rupa Gosvami, for example, provides a clear exposition of this analysis.

Vaishnava texts are difficult to interpret without knowing their specific religious context. The defense, however, who controlled the discourse of examination, again and again pulled Vaishnava stories out of their particular cultural context and interpreted them for their own end. Several stories were presented to demonstrate how the Vallabhacharyas celebrate adultery; removed from their specific context the meanings of these stories seem completely twisted. Here is one example that was said to have been told by Vallabhacharya himself.

Once there was a husband and wife who collected wood in the forest with another man. The wife and the other man eventually fell in love and took to meeting secretly in the forest. They would rendezvous at a temple dedicated to Vishnu deep within the jungle. Before making love in the temple these two would prepare a suitable space by sweeping and cleaning the temple. Eventually the woman's husband figured out what was happening. He followed her to the temple one day, watched her make love with the other man, and then killed them both. When the angels of Dharmaraj (the deity who judges the dead and punishes the wicked, we are told) came for them, the angels of Vishnu stopped them and asked: "Why have you come here? Shri Thakurji has conferred on them the best place [in heaven]." The angels of Vishnu then took the two to Vishnu's heaven. The couple were greatly puzzled and asked Vishnu why they had been saved, for they had committed "a very mean act." Vishnu replied, "It is true you two persons have committed a mean act, but you cleaned a temple of [God] and Shri Thakurji has favourably accepted the service performed by you, and therefore you both have obtained the best place [in heaven]."<sup>31</sup>

This story seems to me to be about the saving power of Vishnu for anyone who offers service to him and certainly not a story that praises adultery, as the defense argued. In fact, adultery is called a "very mean act" in the text, and the real strength of the lesson lies in understanding it as such. If Vishnu's power can save even adulterers who sweep his temple a few times for their own selfish purpose, think what it can do for the worshiper selflessly devoted to his service.

Erotic poems addressed to Krishna by the gopees were read out in court as part of the defense's proof of the immoral character of the Vallabhacharyas. The immoral nature of the Vallabhacharyas was held to be due to the fact that theirs is a late tradition. Another text was read, which went so far as to tell how even the Vedas, the sacred text *par excellence* of the Orientalists and reformers, desired to become women in love with Krishna: "When the Saravat age shall arrive, you [Veds] will be born as Gopis in Vrij. There, in the forest of Vrinda, I will gratify your desire in a chorus; and your adulterine love for me

<sup>31</sup> *Maharaj Libel Case*, pp. 210-11.

will exceed all [other love]. By means of such a love, you will gain me and your object will be accomplished.' In this manner Shri Krishna told the Traditions to gain [him] by adulterine love. These Traditions of the Veds who became the Gopikas are called the Traditional persons."<sup>32</sup> From the perspective of the reformers this was the ultimate blasphemy. Karsandas Mulji argued before the court: "The story of the goopees and the incarnations of Vishnoo are believed in by several sects, but are opposed to the ancient religion. . . . I do not believe the modern stories in books which are written after the Veds."<sup>33</sup>

The source of Mulji's ideas regarding the "old religion" become increasingly apparent as the next witness took to the stand—Dr. John Wilson. Wilson was a well-known Indologist and leading Scottish Presbyterian missionary, who had been actively engaged in criticizing the contemporary forms of Hindu culture in the vicinity of Bombay since the early 1830s.<sup>34</sup> Here is the "expert" whose opinion seems to have been valued over all others. Wilson assured the court of his authority with his opening words: "I am a member of the Royal Society of Great Britain and Ireland, and a member of the Bombay Branch of the Royal Asiatic Society. For seven years I was its president, and since 1842 have been its honorary president. I am a corresponding member of several societies in Europe. I am author of certain works of the ancient Hindu religious systems, and have prosecuted studies in the literature of the East. I commenced such of my studies in the University of Edinburgh, and prosecuted them on my arrival in this country."<sup>35</sup>

Wilson goes on to make some classical Orientalist statements. His privileging of the "original" is particularly relevant. "It is an historical fact, that the more modern religions are less moral and less pure. Very great changes have occurred in India with reference to the gods, positively for the worse, as admitted by Hindus themselves. . . . The sect of the Vallabhacharyas is a new sect, inasmuch as it has selected Krishna in the aspect of his adolescence and praised him to supremacy in that aspect."<sup>36</sup> This judgmental perspective was then used to undermine the authority of the Maharajas. "The Maharajas in a general point of view might be looked upon as preceptors, but not as preceptors of the Hindu religion."<sup>37</sup> The Orientalists know the real tradition; modern Indians do not. Orientalists are here to teach the Indians what Hinduism really

<sup>32</sup> Ibid., p. 200.

<sup>33</sup> Ibid., p. 249.

<sup>34</sup> See Richard Fox Young, *Resistant Hinduism: Sanskrit Sources on Anti-Christian Apologetics in Early Nineteenth-Century India* (Vienna: De Nobili Research Library, 1981), p. 25.

<sup>35</sup> *Maharaj Libel Case*, p. 253.

<sup>36</sup> Ibid., pp. 254, 257.

<sup>37</sup> Ibid., p. 261. Emphasis is mine.

is. In fact, Wilson states: "I cannot say that any sect at present strictly follows the ancient Hindu religion."<sup>38</sup>

Why did the Orientalists privilege the "ancient" as Wilson does so clearly? The reasons were complex, but important among these was that Orientalists were influenced by eighteenth-century historians, such as Voltaire and Gibbon, who were committed to a nostalgic view of the glorious past. Edward Said offers additional insights. He has demonstrated how the Orientalist's approach to the study of other cultures favored books. He calls this a "textual attitude."<sup>39</sup> Orientalists attempted to understand a people by applying what they had read in a book. Texts were favored over the disorientations of direct encounters with people. This necessarily led to a disappointment with the modern "Oriental" who did not exactly resemble the picture they had constructed from books. Said argues that the conclusion was that modern Oriental culture was a degraded form of the real Oriental culture that survives only in ancient texts.

Such ideas led John Wilson to a moral condemnation of the sect of the Vallabhacharyas, for he pronounced that whatever is modern in Hindu tradition must be morally inferior. To add weight to his condemnation, he evoked the name of perhaps the most influential of all Orientalists in India, Horace Hayman Wilson. "I agree," he pronounces, "with Dr. Hayman Wilson that the sect is impure." He concludes: "The sense of shame and public opinion are outraged by the doctrines of the sect."<sup>40</sup> His underlying assumption seems to be that morality and public opinion are one, natural, and best represented by the British and their reflection in Indian culture, the reformers.

Finally, differing views of plurality were also at stake in this cultural conflict. Hindu traditions had experienced many changes over their long history; however, these were changes that tolerated difference, as exemplified by the development of the notion of the legitimacy of the different *margas* or paths. The Vedas had long been used by Hindu thinkers as a point of reference for legitimizing authority, but in a manner that allowed for tremendous plurality of interpretation.<sup>41</sup> The reformers were the first to insist on a singular and exclusive tradition. Mulji and Wilson both spoke of a singular interpretation and a single path, which is taken to be the one and only true path. Mulji had written in his editorial: "Jadunathji Maharaj says that in the same way as some

<sup>38</sup> Ibid., p. 260.

<sup>39</sup> Edward W. Said, *Orientalism* (New York: Pantheon, 1978), p. 92.

<sup>40</sup> *Maharaj Libel Case*, pp. 256, 259. H. H. Wilson's book *The Religious Sects of the Hindus* was a valued sourcebook on Hinduism for the later Orientalists.

<sup>41</sup> See Brian K. Smith, *Reflections on Resemblance, Ritual, and Religion* (New York: Oxford University Press, 1989), esp. chap. 1.

one goes from the gates of the fort to Walkeshwar and some one to Byculla, so exactly the original courses of the Veds and Purans having gone forward, have diverged into different ways. What a deceitful proposition this is. Out of one religious system ten or fifteen by-ways must not branch off. The course of religion and morals must be one only."<sup>42</sup> The position of the Orientalists does not permit explicit pluralism; they are committed to a singular, ancient, and essential concept of religion.<sup>43</sup> The road must be one only, and because of their superior scientific techniques, the Orientalists are the ones who know it. "The Maharajas," declared John Wilson, "are not preceptors of the Hindu tradition."

The defense was followed by the rebuttal for the plaintiff. This consisted of calling an additional thirty-five witnesses to reassert the good character of the Maharaj. The last of these was Jadunathji Maharaj himself. The Maharaj appeared in court on the twentieth day of the trial. His entrance into the courtroom was very dramatic. The records say: "All eyes were strained in every direction of the hall of justice to see His Holiness coming in."<sup>44</sup> The Maharaj was conducted to the witness box and asked to remove his shoes. He was then made to take an oath on a copy of the *Bhagavad-gita*.<sup>45</sup> After denying all charges brought against him, the Maharaj was cross-examined by the defense attorney, Mr. Anstey. Mr. Anstey first questioned him on his views regarding the status of a guru. The Maharaj replied: "I am a man, not a God. I am a man and a Guru to my followers."<sup>46</sup> The Maharaj went on to claim that Krishna was part of the ancient tradition, which prompted Mr. Anstey to test his knowledge of Sanskrit and the "ancient" books. By this act the court set itself up as judge of legitimate Hindu authority and gave expression to the kind of expertise the Orientalists value.

The Maharaj then proceeded to deny what appear to me to be central Vaishnava doctrines. The amorous love of the gopees, for example, is a central Vaishnava paradigm for devotion; however, the Maharaj stated: "I cannot say whether it is the belief of my sect or not that the gopees loved God as their paramour and that God loved them and made them happy."<sup>47</sup> It is difficult to discern why the Maharaj was so hesitant to take a position on this issue. Was he or his attorney afraid

<sup>42</sup> *Maharaj Libel Case*, p. 2.

<sup>43</sup> Ronald Inden maintains that the concept of the essential, which is linked to the concept of the original, is central to Orientalist constructions of Indian culture. See his *Imagining India* (Oxford: Basil Blackwell, 1990).

<sup>44</sup> *Maharaj Libel Case*, p. 340.

<sup>45</sup> Often referred to as the "Hindu Bible," it was the *Bhagavad-gita* that was used for the oath of truth for Hindus throughout the trial.

<sup>46</sup> *Maharaj Libel Case*, p. 347.

<sup>47</sup> *Ibid.*, p. 349.

that the court would take offense at this doctrine? Was there any possible way to present it in a justifiable fashion within the discourse of the court? The Maharaj continued to dodge seemingly central Vaishnava teachings; however, he did seem to rally for one brief moment when pushed by Chief Justice Sausse:

I have said that adultery is a great sin according to the Shastras of my sect. The recommendation in the essay, already referred to, which I approved of, is not to commit adultery, but to love God with love akin to what is called adulterine love. Adulterine passion is intense love, and the same intensity of love should be shown towards God. Such love towards God is very good; towards a strange woman, it is bad.

I believe it is stated in the Bhagavat that love should be entertained towards God akin to the love of the gopees.<sup>48</sup>

After giving his testimony, the Maharaj blessed the judges and left the courtroom, thus concluding the examination of witnesses. Everything about the Maharaj upset the British colonial sense of decency. He was an individual with significant religious authority who admitted to being married to two women. No matter what he or others said, he was portrayed again and again as a lusty tyrant, as opposed to the construction of masculinity expressed through sexual distance, abstinence, and self-control that was promoted under colonialism.<sup>49</sup>

Mr. Anstey concluded the case for the defense. He began by drawing the court's attention to the difference between the witnesses for the defense and plaintiff. The witnesses for the defense, he stressed, "were men of position and respectability." Therefore, he argued, their testimony should be given greater weight than "the unfortunate devotees of the Maharajas who had been drawn from the lower classes of society."<sup>50</sup> There is something to the distinction highlighted by Mr. Anstey; many of the witnesses for the defense occupied important positions in the new social structure of the British Raj. Colonialism creates new hierarchies that open up new positions of authority outside the existing structures of order. Many of those who gathered to condemn the Maharaj and his followers occupied these new positions and now considered those who occupied respectable positions in the older structure "lower classes."

Mr. Anstey went on to fault the plaintiff's rebuttal for trying to show "that there is no standard by which we may judge the plaintiff." Mr. Anstey had a clear standard in mind. He argued "that the position in

<sup>48</sup> Ibid., p. 361.

<sup>49</sup> See Nandy, esp. p. 10.

<sup>50</sup> *Maharaj Libel Case*, p. 362.

which the plaintiff sued is a position offensive to the laws of nature and of *natural morality*. The doctrines he professed and taught were horrible to think of.<sup>51</sup> Here is explicit expression of the idea of "natural law" that the colonizer uses to justify rule. Mr. Anstey repeated the words of the Orientalists in reminding the court that it was not always the case that Indian religion lacked sensible morals; this was the result of the passage of time. "The religion of this sect is a new system set up at a modern date; and it is a distinctly established fact that, in the proportion that these new and monstrous doctrines have gone forward, the ancient doctrines of morality have gone back and have been superseded."<sup>52</sup> Here is the familiar judgment: Indians used to be great, now they are lost. They need the benefits of Western civilization and the guiding hand of the British to free them from their present bondage and allow them to return to their golden past. Here the judgmental possibilities of Orientalist doctrines become clear. Here too is a rationale with which to undermine existing religious authority and pass it on to the reformers, those calling for a "return" to what once was. Anstey tells us, "the ancient religion of the Hindus contained in the Veds . . . comprehends books of the philosophy and morality, and . . . is far different from the doctrines of the wretched, miserable, and pestilential sect of the Vallabhacharyas."<sup>53</sup>

Though the statement for the plaintiff by Mr. Bayley stayed well within the bounds established by British morality, his efforts seem sincere. Mr. Bayley highlighted the religious nature of the conflict. He defended the history of the sect of the Vallabhacharyas by pointing out that the sect is older than Protestantism, and he presented the conflict as an attack by the reformers on the very religion they had renounced. He asked the court whether it was more willing to listen to the interpretation of those who had rejected the tradition than those who remain within it. He drew attention to the fact that the witnesses called by the defense either had renounced the traditional religion or were never part of it (i.e., John Wilson). He went on to argue that the doctrine of "adulterine love" was to illustrate the intensity of the love one should have for God, certainly not to promote the practice among members of the Vaishnava community. "The only conclusion to be drawn from it," he maintained, "was that in the same way as a woman loved her paramour, so we must with such intensity of love, worship God."<sup>54</sup> He ended by asking the court not to judge the case by the standard of

<sup>51</sup> Ibid., pp. 364–65. Emphasis is mine.

<sup>52</sup> Ibid., p. 369.

<sup>53</sup> Ibid., p. 368.

<sup>54</sup> Ibid., p. 390.

European notions of morality and religion, but his efforts seemed in vain; the court was much more inclined to the side of the defense.

After hearing the case, Chief Justice Sausse delivered his judgment first. Although he found a verdict in favor of the plaintiff on three minor pleas, the great force of his judgment came down favorably on the side of the defendant. Karsandas Mulji was to walk away victorious with costs. Sausse declared that the charges contained within the libel were true and went on to highlight the corrupting nature of the doctrines of the sect.

All songs connected with the God Krishna, which were brought before us were of an amorous character and corrupting licentious tendency, both in the idea and expression, are sung by young females to the Maharajas, upon festive occasions, in which they are identified with the God in his most licentious aspect. In these songs, as well as in stories, both written and traditional, which latter are treated as of a religious character in the sect, the subject of sexual intercourse is most prominent. Adultery is made familiar to the minds of all; it is nowhere discouraged or denounced, but on the contrary, in some stories, those persons who have committed that great moral and social offence are commended, and in one of them, the actors are awarded the highest position in the heaven of the Vaishnavas, although nominally, for some attention paid on one occasion to the clearing of a temple of the God.<sup>55</sup>

Note how the meaning of the story is given, then taken away, with the word "nominally." The chief justice knew what to make of this story; he had the authoritative position of Orientalists like Wilson to provide him with the proper perspective to account for and judge the moral character of the Vallabhacharyas. "These doctrines and practices are opposed to what we know of the original principles of the ancient Hindu religion which are said to be found in the Veds. . . . Therefore, so far as we may be called upon to express an opinion upon this part of the plea, the defendant has successfully shewn, that the doctrines of the Vallabhacharya sect are in those respects contrary to those of the ancient Hindu religion."<sup>56</sup>

The judgment of Judge Arnould favored the defendant on all pleas. His statement is a remarkable text in which we see a British judge, backed up with the force of the police, army, and the more subtle forces Nandy has made us aware of, making theological judgments, condemning some forms of Hinduism, and giving his nod of approval to others. Far more than any other portion of the trial, it was Arnould's judgment that was picked up and quoted in hundreds of newspapers throughout India.

<sup>55</sup> Ibid., p. 411.

<sup>56</sup> Ibid., p. 412.

He began by praising Karsandas Mulji as a righteous reformer who used the press to carry out a moral mission. "To expose and denounce evil and barbarous practices; to attack usages and customs inconsistent with moral purity and social progress, is one of its highest, its most imperative duties."<sup>57</sup> (The political interests of the press are completely masked by such words.)<sup>58</sup> From there, his statements took on an even more religious tone. He compared the Maharajas to the sons of Eli and Karsandas Mulji to the early church fathers. Significantly, he went on to make theological judgments on Hinduism and, in so doing, denounced Krishna and the cult associated with him. After repeating Wilson's condemning statement that the sect of the Vallabhacharyas is new and devoted to an erotic deity, he pronounced:

This succinct statement seems to contain the essence of the whole matter. It is Krishna, the darling of the 16,000 Gopees; Krishna the love-hero—the husband of the 16,000 princesses, who is the paramount object of Vallabhacharya's worship. This tinges the whole system with the stain of carnal sensualism, of strange, transcendental lewdness. See, for instance, how the sublime Brahminical doctrine of union with "Brahma" is tainted and degraded by this sensuous mode of regarding the Deity. According to the old Brahminical tenet, "Brahma," the All-containing and Indestructible, the Soul of which the Universe is the Body, abides from eternity to eternity as the fountal source of all Spiritual existence; reunion with Brahma, absorption into Brahma, is the beatitude for which every separate spirit yearns, and which after animating its appointed cycle of individuated living organisms, it is ultimately destined to attain. The teachers of the Vallabhacharyan sect do not absolutely discard this great tenet, but they degrade it. I have no wish to wade through all the theosophic nonsense and nastiness of the plaintiff's own chapter on "Adulterine Love," but one of the myths he thus cites on the authority of the *Brahad Vaman Puran*, perfectly illustrates what I mean. [He then goes on to retell the story of how the Veds became gopees in love with Krishna in the land of Vraj.] Thus then is the pure and sublime notion of the reunion of all spirits that animate living but perishable forms, with the Eternal spirit, not limited by form debased into a sexual and carnal coition with the most sensuous of the manifestations or "avatars" of God.<sup>59</sup>

Sir Arnould's statement directly condemns Krishnaite theology and supports the new Brahmanical theology of the neo-Vedantic reformers. According to Arnould the sect of the Vallabhacharyas involves "a weak and blinded people; a rapacious and libidinous priesthood; a God whose most popular attributes are his feats of sexual prowess; a paradise

<sup>57</sup> Ibid., p. 423.

<sup>58</sup> See Michel Foucault, "The Eye of Power," in *Power/Knowledge: Selected Interviews and Other Writings 1972–77* (New York: Pantheon, 1980), pp. 146–65.

<sup>59</sup> *Maharaj Libel Case*, pp. 438–40.

whose most attractive title is that of 'a boundless ocean of amorous enjoyment.'<sup>60</sup> It was his final words, however, that were to be quoted by scores of newspapers throughout the country.

It is not a question of theology that has been before us! It is a question of morality. The principle for which the defendant and his witnesses have been contending is simply this—that what is morally wrong cannot be theologically right—that when practices which say the very foundation of morality, which involve a violation of the eternal and immutable laws of Right—are established in the name and under the sanction of Religion, they ought, for the common welfare of Society, and in the interest of Humanity itself to be publicly denounced and exposed.<sup>61</sup>

The trial in general, but specifically Judge Arnould's judgment, received tremendous coverage in the Indian press. The conclusions worked out in the Apollo Street building were publicized with a speed and range few ideological statements achieved in the nineteenth century. The court records were published and circulated throughout the subcontinent and the outcome of the trial was discussed in hundreds of editorials. *The Phoenix* records that "this case has formed a prolific subject of comment for almost every journal in the country."<sup>62</sup> Arnould's judgment functioned as a national rule with which to evaluate Hinduism. *The Oriental Christian Spectator* informs us that "Sir Joseph Arnould's admirable judgment should be translated into the various languages of India, and published as a tract."<sup>63</sup> Plans were already in motion to do so.

The newspapers and journals echoed Arnould's condemnation of the Vallabhacharyas and the amorous Krishna. An editorial in *The Dawn*, for example, enlightens us, remarking: "The Vallabhacharya religion which they profess is no religion at all, but a system of lies and delusions—a system wholly opposed to the glory of God, and the well-being of man."<sup>64</sup> The editors of *The Bombay Saturday Review* were convinced that "the whole truth has now been revealed to them; they have learnt that their faith is a foul and wretched superstition unknown to the founders of the Hindu religion, and that all intelligent men look upon them with amazement and with scorn as votaries of a creed which sanctifies their worst passions of our nature and deifies the most degraded of mankind."<sup>65</sup> *The Poona Observer* observes: "The religion of the Valla-

<sup>60</sup> Ibid., pp. 478-79.

<sup>61</sup> Ibid., p. 480.

<sup>62</sup> June 3, 1862. The editorials that follow were collected and printed in the Appendix to Mulji, p. 167. All page numbers refer to the Appendix.

<sup>63</sup> July and August 1862. Ibid., p. 148.

<sup>64</sup> April 1862. Ibid., p. 147.

<sup>65</sup> April 26, 1862. Ibid., p. 142.

bhacharyans will not survive this blow; and we hope so for the honor of human nature . . . and the worship of Krishna is indirectly but most decisively struck at in the judgment of the Supreme Court of Bombay."<sup>66</sup>

The neo-Vedantic reform given approval by Judge Arnould was further promoted in the press. *The Oudh Gazette* encouraged that branch of the reform founded by Rammohan Roy: "Let all reformers rejoice, then, and let the members of the Bruhmo Samaj of Lucknow learn, and use the strength of the *weapon* thus put into their hands by law."<sup>67</sup> The purity of the original "Vedic" religion was highlighted by *The Friend of India*: "Every century as it rolls on steepes the people and their priests in deeper defilement, and removes them from the comparative purity of those Vedic days, to which some youthful reformers are striving to return."<sup>68</sup> Significantly, even the Hindus who operated *The Hindu Patriot* accepted Judge Arnould and the Orientalists' view of Hindu tradition. They write: "The Hinduism of to-day is not the Hinduism of our forefathers three thousand years ago; an avaricious and licentious priesthood has engrafted on a simple system doctrines of which we find no trace in the beautiful and spirit-illuminating texts of the Veds, and which by the immorality they inculcate and the bondage of degradation in which they yoke the people, are precisely the very reverse of what the great teachers of a nation of Rishis, as Max Müller calls the Hindus, taught in the golden age of creation."<sup>69</sup> Moreover, the Orientalist's privileging of the "book" is accepted as the measure to judge contemporary forms: "Ask them to produce authority from the Veds for their ceremonies and festivals, the orgies and indecencies of the Holi for instance, and they will, if they think at all about it, look on it as an implied desecration to their holy books, to suppose there is anything in them to sanction such rites at all. Anyone who has studied these books and had opportunities of learning the views of Hindus with regard to them, would have expected as soon as to have seen a chief justice announcing that the earth went round the sun as a new thing, that people in general were unacquainted with, as gravely devoting time and labour to elucidating the fact that the Hinduism of the present day, was not the Brahminical philosophy of the Veds."<sup>70</sup>

*The Ceylon Times* makes the political implications of the trial and its publicity clear: "With such a code of religious morality, the natives of India must remain debased to the level of brutes. Until they be utterly purged of these iniquities they must not talk about equal rights and

<sup>66</sup> May 20, 1862. *Ibid.*, pp. 151-52.

<sup>67</sup> January 1, 1862. *Ibid.*, p. 173.

<sup>68</sup> May 8, 1862. *Ibid.*, p. 159.

<sup>69</sup> June 9, 1862. *Ibid.*, p. 160.

<sup>70</sup> *Delhi Gazette*, May 22, 1862. *Ibid.*, p. 171.

social advancement."<sup>71</sup> As Michel Foucault reminds us, morality indeed involves issues of power.

Since the days of the trial, this case has continued to be cited and celebrated as a monumental event. In 1962 the Indian government held a centennial celebration for the High Court at Bombay. During this celebration, the Maharaj Libel Case was singled out and praised as a prime illustration of how the courts improved moral character in India.<sup>72</sup> The changes that the forces represented in the Maharaj Libel Case unleashed in India have been so thorough among English-educated Indians that it is difficult to find a negative reading of the outcome of the trial among this group. In a recent article, for example, the Maharaj Libel Case is used to illustrate the process of social change in nineteenth-century India.<sup>73</sup> The author, Makrand Mehta, demonstrates how this trial checked the erotic practices of the Vallabhacharyas and freed the individual from "various forms of authority." Mehta accepts the Orientalist's judgment by further arguing that British rule was necessary for the advancement of Indian society: "A traditional society may produce a few individuals who might react against existing forms of authority. But in a traditional society where the forces of conservation would not permit or tolerate any innovation within its social framework, no cultural change would be possible without the change in the attitudes and value systems, which may require an active interaction with the culturally advanced society. Karsandas Mulji . . . and a host of nineteenth century reformers of Western India were in their youth involved with the social, economic and educational process initiated by the British."<sup>74</sup>

Moreover, this trial has been used significantly to represent the Vallabhacharya tradition in scholarly works. One is challenged to find books written on the sect, both within and outside of India, that do not employ the Maharaj Libel Case as a device to explore the true nature of the sect. The trial is discussed as a significant feature of the Vallabhacharyas in the influential revised edition of H. H. Wilson's *The Religious Sects of the Hindus*: "Much light was thrown upon the degrading practices of the Vallabhacharis by the Bombay suit in 1862. Mr. Karsandas Mulji, an intelligent Vaishnava, sought to expose them. . . . Is there any parallel to such degradation to be found even among the lowest savages?"<sup>75</sup> A work entitled *History of the Sect of*

<sup>71</sup> June 24, 1862. *Ibid.*, p. 160.

<sup>72</sup> *High Court at Bombay, 1862-1962* (see n. 5 above).

<sup>73</sup> Makrand J. Mehta, "Maharaj Libel Case: A Study in Social Change in Western India in the 19th Century," *Indo-Asian Culture* 19, no. 4 (1970): 26-39.

<sup>74</sup> *Ibid.*, p. 35.

<sup>75</sup> H. H. Wilson, *The Religious Sects of the Hindus*, with additions from later sources by Reinhold Rost (London and Madras: The Christian Literature Society for India, 1904), pp. 67-69.

*the Maharajas or Vallabhacharyas in Western India* appeared shortly after the trial.<sup>76</sup> It continues to be read and cited—very often in an uncritical manner—as a major source of knowledge about the tradition. The primary focus of the book is the Maharaj Libel Case; although it was published anonymously, it is clear that it was written by the defendant in the trial, Karsandas Mulji.

The preindependence British verdict on the trial and representation of current forms of Hinduism were perhaps stated most clearly in the words of D. Mackichan, M.A., D.D., LL.D. (Glasgow), LL.D. (Bombay), former principle of Wilson College, Bombay, and vice-chancellor of the University of Bombay, in his article "Vallabha and Vallabhacharyas," which appears in the 1922 *Encyclopedia of Religion and Ethics*. The Maharaj Libel Case informs most of the article; after recounting a brief history of the case, Mackichan writes:

This episode in the history of the Vallabhacharyas has been narrated here for the reasons, that it led to the full disclosure of the real character of the teaching of this sect and the width of the gulf which lies between morality and religion in the current conceptions of multitudes of the people of India, and that it also illuminates the powerlessness of the public opinion, as it exists in India, to grapple with social customs that rest on religious sanctions having their roots deep down in the amorphous soil that is the product of ages of pantheistic thinking.<sup>77</sup>

I began this essay by asking how the British Raj specifically effected change within Hindu traditions. Although the Maharaj Libel Case is only one incident among many that determined the course of change under colonialism, it affords us a glimpse of the means and methods by which precolonial worlds were marginalized and new worlds much more closely aligned with colonial policy were supported in India in the nineteenth century. Whatever the behavior of the Maharaj, so much more than his individual actions were condemned by the court. Many innocent were judged guilty.<sup>78</sup> The trial itself, Judge Arnould's judgment, and concomitant journalism made the following claims ring throughout the subcontinent: (1) The erotic dimensions of Hinduism are wrong and should be eliminated; the true tradition is ascetic. (2) Krishna as currently worshiped in northern India is either a false god created by "lewd and crafty priests" or has been corrupted over

<sup>76</sup> Mulji (see n. 1 above).

<sup>77</sup> *Encyclopedia of Religion and Ethics* 123: 583.

<sup>78</sup> I use the term "innocent" in the sense that Nandy uses it in the preface to his book. There he quotes Albert Camus, who once wrote: "Through a curious transposition peculiar to our times it is innocence that is called upon to justify itself." Nandy (n. 17 above), p. ix.

time from his proper manly status as a warrior. (3) The Orientalists' historical reconstruction of the Hindu tradition is true and authoritative. (4) Hinduism is a singular path. (5) Medieval Vaishnava Bhakti is a false form of religion; the "old religion" of Vedic times is the only true form of Hinduism. The neo-Vedantic religion of the reformers (which stresses the spiritual over the sensual) is given the approval of the Supreme Court. (6) Traditional gurus are not valid religious authorities; individual authority, guided by "natural morality," is declared to be supreme. (7) Hindu theology must be in line with British morality, which is taken to be founded on eternal and natural laws.

The "heroes" of this cultural encounter were the reformers. I have intended to indicate that the reform movement in India was one result of a psychological invasion wherein Western values were internalized in the colonial process and that it was one consequence of the shadow cast on Indian society by the colonial policy of the Orientalists that undermined certain precolonial realities while promoting its own interpretation of the "original." Is it any wonder that all forms of Hinduism that first successfully ventured out of India to the West were neo-Vedantic? Karsandas Mulji walked away from the trial triumphant. On July 14, 1862, Dr. John Wilson held a public gathering of the elite of Bombay's society to honor the reformer "in acknowledgement," he said in a letter to Mulji, "of the noble stand for truth and purity which you have made in the Maharaj case."<sup>79</sup> Because of this trial, Karsandas Mulji became one of the most famous and respected leaders of the reformers in India. He also benefited economically. Traditional Banias would not cross the ocean to deal goods with the British. The reformers, however, got rich doing so. After the trial, a successful reformer businessman contributed a large sum of money to finance Mulji in a business adventure to England. "Truth" and "purity" apparently translated into good economic relations with the British.

Those who suffered most, of course, were those living in the precolonial world of Vaishnavism. Sixteenth-century northern India had witnessed among its Hindu population a flowering of devotion to the playfully erotic deity Krishna and his cowherd lover Radha. The result was a tremendous output of poetic and artistic expressions; the celebration of the amorous couple was popular and public throughout most of the two following centuries. In the nineteenth century, however, this kind of Hinduism became increasingly suspect. Dayananda Sarasvati, the reformer who founded the Arya Samaj in 1875, singled out the Vallabhacharyas as a special target for his attack on Hindu corruption.

<sup>79</sup> Motiwala (n. 14 above), p. 37.

His criticism of Vallabha, the current Maharajas, and their theology of Krishna in his *Satyarth Prakash* comprises a longer section than any other in the book.<sup>80</sup> This is not surprising when we learn that the Arya Samaj was founded in Bombay and grew out of the anti-Vallabhacharya movement started by Karsandas Mulji and continued after his death in 1873 by those Banias and Bhatias who had supported him in the Maharaj Libel Case.<sup>81</sup> On the other coast, the Bengali writer Bankimchandra Chatterji published an essay on Krishna in 1886 in which he expressed disgust with the "sensual" and "effeminate" nature of Krishna and attempted to marginalize this side of Krishna by recovering a "manly" and "moral" Krishna.<sup>82</sup> Nandy writes that Bankimchandra's "goal was to make Krsna a normal, non-pagan male god who would not humiliate his devotees in front of the progressive Westerners."<sup>83</sup> The authority of the traditional transmitters of the medieval Krishna cults was clearly undermined in such arenas as the Maharaj Libel Case. Vaishnava arts and scriptures were ridiculed, and the amorously playful Krishna became increasingly marginalized. The cult of Radha and Krishna diminished as more and more Indians viewed their traditions through cultural lenses shaped by colonial power. Marginality differs from oblivion, however; perhaps innocence has a way of defending itself.

We have now examined in one instructive case how the academic reconstructions of British Orientalists, which employed such concepts as the "real," "true," "essential," and "ancient," can be and were used to judge, guide, and influence the development of the religious traditions of India. This is perhaps an extreme case, but frequently much can be learned by examining extreme cases; the judgmental force of the Orientalist position is all too clear in the Maharaj Libel Case. In such moves, the scholar as "expert" usurps the role of cultural agency, a role that aims explicitly to determine the production of culture. Colonial policy was committed to such action, but if we are to free ourselves from the politics of colonial academics, it is necessary that we carefully examine and struggle to move away from the dynamics of this position. Though we have no control over how our work may be

<sup>80</sup> See the English translation of the *Satyarth Prakash*, trans. Durga Prasad (Lahore: Virjanand, 1908), pp. 366–72.

<sup>81</sup> See J. T. F. Jordens, *Dayananda Sarasvati: His Life and Ideas* (Delhi: Oxford University Press, 1978), p. 142; and Dobbins, pp. 254–55. Dayananda Sarasvati was invited to Bombay in 1874 by a group of Banias and Bhatias who had directly supported Karsandas Mulji in the Maharaj Libel Case.

<sup>82</sup> Bankimchandra Chatterji, *Bankim Racanavali*, edited with an introduction by Jogeshchandra Bagal (Calcutta: Sahitya Samsad, 1958) 2:407–593.

<sup>83</sup> Nandy, p. 24.

used by those involved in the production of Indian culture, I would maintain that our concern should be with the interpretation of culture, not with the normative production of culture. As a field of inquiry, religious studies belongs within the humanities. Our task as scholars is to struggle to expand our awareness of human possibilities, as educators to communicate these possibilities to others, and not to rule out possibilities in the judgmental search for a single truth. One way to free ourselves from the policy of previous generations of Indologists is to abandon the search for the real and essential culture and instead train ourselves to listen to the multiple voices within Indian culture. It may turn out that there are many interesting cultural voices yet to be heard, voices that do not stand a chance of being heard over the judgmental shout of the expert.

*Indiana University*